

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV-07-6345

-----X

PHILMON NICHOLSON,
Plaintiff,
-against-

THE CITY OF NEW YORK,
THE NEW YORK CITY POLICE DEPARTMENT,
NEW YORK CITY POLICE DETECTIVE
WILLIAM HAMILTON,
LESLIE BIRKETT,
Defendant(s).

-----X

**PLAINTIFF'S RULE
26(a)(1)
INITIAL DISCLOSURE
STATEMENT**

Plaintiff, PHILMON NICHOLSON, by undersigned Counsel, hereby submits its Initial Disclosure Statement pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

26(a)(1)(A) Identification of persons who may possess discoverable information that Plaintiff may use to support his claim:

1. Plaintiff Philmon Nicholson Upon information and belief, Plaintiff Philmon Nicholson possesses discoverable information regarding, but not limited to the following: Plaintiff's employment and performance history with his employer, circumstances surrounding Plaintiff's detention and arrest including conversations had with Defendant New York City Police Detective William Hamilton; circumstances surrounding Plaintiff's treatment while in the custody of Defendant New York City Police Department; monetary and other damages incurred by Plaintiff as a result of Defendant's conduct.

2. Defendant New York City Police Detective William Hamilton Upon information and belief Defendant Detective Hamilton possesses discoverable information

regarding but not limited to the following: the facts and circumstances of Plaintiff's detention and arrest, including the existence and/or lack of probable cause to arrest; discoverable information concerning the investigation of the incident which ultimately led to Plaintiff's arrest including conversations had with Defendant Leslie Birkett; discoverable information concerning the dismissed Order of Protection which formed the basis for the arrest of Plaintiff; discoverable information concerning Plaintiff's treatment by Defendants while in police custody; discoverable information concerning training received by Defendant from Defendants City of New York and the New York City Police Department.

3. Assistant District Attorney Kang Manhattan District Attorney's Office Upon information and belief, Assistant District Attorney Kang New York County District Attorney's Office possesses discoverable information regarding, but not limited to the following: the facts and circumstances surrounding the prosecution of the criminal case against Plaintiff, including the subsequent dismissal of criminal charges against Plaintiff.

26(a)(1)(B) Documents in the custody of Plaintiff that May Be Used To Support Plaintiff's Claims:

1. All Pleadings on file with the Court in connection with the instant action.
2. The Certificate of Disposition for Plaintiff's underlying criminal charges.
3. The Felony complaint filed by the Manhattan District Attorney against the Plaintiff.
4. Copies of the Orders of Protection including the Order which was dismissed prior to Plaintiff's arrest.

5. Legal correspondence between Plaintiff's counsel in the criminal prosecution and members of the Manhattan District Attorney's Office.

Plaintiff reserves the right to identify and/or provide supplemental documents of which Plaintiff may become aware as litigation progresses.

26(a)(1)(C)

1. Not applicable to Plaintiff.

26(a)(1)(D)

1. Not applicable to Plaintiff.

VICTOR M. BROWN, ESQ.
(VB-5289)
11 Park Place, Suite 600
New York, NY 10007
(212) 227-7373
Attorney for Plaintiff

Dated: New York, NY
April 18, 2008

Filename: Philmon Nicholson 26(a)(1) Disclosure Statement
Directory: C:\Documents and Settings\Victor M. Brown\My
Documents
Template: C:\Documents and Settings\Victor M. Brown\Application
Data\Microsoft\Templates\Normal.dot
Title: UNITED STATES DISTRICT COURT
Subject:
Author: Victor Brown
Keywords:
Comments:
Creation Date: 4/18/2008 4:26:00 PM
Change Number: 3
Last Saved On: 4/18/2008 4:33:00 PM
Last Saved By: Victor Brown
Total Editing Time: 8 Minutes
Last Printed On: 4/18/2008 4:33:00 PM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 486 (approx.)
Number of Characters: 3,161 (approx.)